

# United States Bankruptcy Court

For the NORTHERN District of IOWA

IN RE: BILLY RAY WHITE and CHERYL ELAINE WHITE,  
Debtors.

MERCANTILE BANK OF  
ILLINOIS, N.A.,  
v.

Plaintiff

BILLY RAY WHITE and  
CHERYL ELAINE WHITE,

Defendants

Chapter 7  
Case No. L92-00721C

Adversary Proceeding No. 92-1141LC

FILED  
U.S. BANKRUPTCY COURT S.C.  
NORTHERN DISTRICT OF IOWA

DEC 29 1992

BARBARA A. EVERLY, CLERK

## JUDGMENT

☐ This proceeding having come on for trial or hearing before the court, the Honorable  
WILLIAM L. EDMONDS, United States Bankruptcy Judge, presiding, and  
the issues having been duly tried or heard and a decision having been rendered.

[OR]

☒ The issues of this proceeding having been duly considered by the Honorable  
WILLIAM L. EDMONDS, United States Bankruptcy Judge, and a decision  
having been reached without trial or hearing, upon stipulation of the parties,

IT IS ORDERED AND ADJUDGED:

that plaintiff, Mercantile Bank of Illinois, N.A., recover from  
defendants, Billy Ray White and Cheryl Elaine White, jointly and  
severally, the sum of \$1,250.00.

IT IS FURTHER ORDERED AND ADJUDGED that this amount shall bear  
interest at the rate of 10% per annum from the date of entry of  
judgment.

IT IS FURTHER ORDERED AND ADJUDGED that this judgment is non-  
dischargeable pursuant to 11 U.S.C. § 523(a)(2)(A).

Vol. III  
Page 143



copies mailed with order  
on 12/29/92, *AS*

BARBARA A. EVERLY

Clerk of Bankruptcy Court

[Seal of the U.S. Bankruptcy Court]

Date of issuance: 12-29-92

By *Larissa Slagter*  
Deputy Clerk

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

---

IN RE:	)	CASE NO. L-92-00721-C
	)	ADVERSARY NO. 92-1141LC
BILLY RAY WHITE and	)	
CHERYL ELAINE WHITE,	)	CHAPTER 7
	)	
Debtors.	)	

FILED  
U.S. BANKRUPTCY COURT S.D.  
NORTHERN DISTRICT OF IOWA

DEC 28 1992

WANDA A. GIBBY, CLERK

---

MERCANTILE BANK OF ILLINOIS, N.A.	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CONSENT ORDER
	)	AND JUDGMENT ENTRY
	)	
BILLY RAY WHITE and	)	
CHERYL ELAINE WHITE,	)	
	)	
Defendants.	)	

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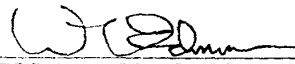
NOW on this 28<sup>th</sup> day of December, 1992, this matter comes before the court. The court finds that on July 15, 1992, the Plaintiff filed a Complaint To Determine the Dischargeability of the Defendants' Debt of \$2,342.49 pursuant to 11 U.S.C. §523(a)(2)(A).

The court finds that the parties have entered into a Stipulated Motion for Entry of Judgment that the Defendants' debt in the amount of \$1,250.00 is excepted from discharge pursuant to 11 U.S.C. §523(a)(2)(A).

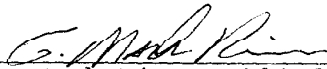
The court further finds that the parties stipulate and agree to the entry of Judgment in favor of the Plaintiff in the sum of \$1,250.00 plus interest at the rate of 10%.

ACCORDINGLY, IT IS THEREFORE ORDERED that the Defendants' debt in the amount of \$1,250.00 is excepted from discharge pursuant to 11 U.S.C. §523(a)(2)(A).

IT IS FURTHER ORDERED that a Judgment be entered in favor of the Plaintiff against the Defendant in the amount of \$1,250.00, plus interest at the rate of 10% per annum.

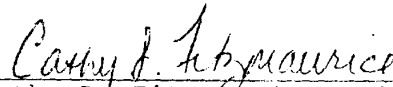
  
WILLIAM EDMONDS, BANKRUPTCY JUDGE  
NORTHERN DISTRICT OF IOWA

Prepared and submitted by:


  
G. Mark Rice - 504-64-2288  
Adams, Howe & Zoss, P.C.  
620 Hubbell Building  
Des Moines, IA 50309

ATTORNEYS FOR MERCANTILE BANK  
OF ILLINOIS N.A.

Approved as to form:

  
Cathy L. Fitzmaurice - 000009488  
Johnston, Larson, Potterfield,  
Zimmerman & Nathanson, P.C.  
1902 Broadway, P.O. Box 3400  
Iowa City, IA 52244

ATTORNEYS FOR DEFENDANTS

I certify that on 12/<sup>29</sup>~~28~~/92 I mailed a copy of this order and a judgment by U.S. mail to: G. Mark Rice, Cathy Fitzmaurice and the U. S. Trustee. 

AUG 22 1994

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA BARBARA A. EVERLY, CLERK

---

IN RE	)	CASE NO. L-92-00721-C
	)	ADVERSARY NO. 92-1141LC
BILLY RAY WHITE and CHERYL	)	
ELAINE WHITE,	)	
	)	
Debtors.	)	

---

MERCANTILE BANK OF ILLINOIS, N.A.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	PRAECIPE FOR ISSUANCE OF
	)	WRIT OF EXECUTION
BILLY RAY WHITE and CHERYL	)	
ELAINE WHITE,	)	
	)	
Defendants.	)	

---

TO THE CLERK:

The undersigned, attorney for the Plaintiff, requests that the Clerk issue a Writ of Execution directed to the Johnson County Sheriff, pursuant to the judgment previously entered herein. The amount due from the Defendants under the judgment previously entered is \$575.00, plus interest at the rate of 10 percent from and after December 28, 1992.

ADAMS & HOWE, P.C.

By

  
G. Mark Rice, #504-66-2288

620 Hubbell Building  
Des Moines, IA 50309  
(515) 246-1400

ATTORNEYS FOR PLAINTIFF

Copy mailed to  
filing attorney  
8-22-94 my

Recorded: Vol III  
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UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

IN RE	)	CASE NO. L-92-00721-C
	)	ADVERSARY NO. 92-1141LC
BILLY RAY WHITE and CHERYL	)	
ELAINE WHITE,	)	
	)	
Debtors.	)	
<hr/>		
MERCANTILE BANK OF ILLINOIS, N.A.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	WRIT OF EXECUTION
BILLY RAY WHITE and CHERYL	)	
ELAINE WHITE,	)	
	)	
Defendants.	)	

To the Johnson County Sheriff:

WHEREAS, on the 28th day of December, 1992, by the Judgment of this Court in a cause then pending the Plaintiff received against the Defendants, Billy Ray White and Cheryl Elaine White, the principal sum of \$1,250.00, plus accrued interest at the rate of 10 percent per annum from and after December 28, 1992.

WHEREAS, after giving credit to the Defendants for all amounts paid toward satisfaction of the Judgment entered, the following amounts are now due and owing the Plaintiff the principal sum of \$575.00, plus interest.

You are, therefore, commanded to cause the goods, chattels, land and other assets of the Defendants to be made subject to execution for payment of the amounts set forth above and tender the money to the Clerk of this Court within seventy (70) days from the date with a record of your action.

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Witness, Barbara Everly, Clerk of this Court with the seal  
thereof hereto affixed at Cedar Rapids, Linn County, Iowa, this  
22<sup>nd</sup> day of August, 1994.

Clerk of ~~District~~ Court

By

Barbara D. Everly  
~~Deputy~~ Clerk

ADAMS & HOWE, P.C.

ATTORNEYS AT LAW

620 HUBBELL BUILDING

904 WALNUT STREET

DES MOINES, IOWA 50309-3596

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

AUG 22 1994

BARBARA A. EVERLY, CLERK

RON ADAMS  
MICHAEL J. CUNNINGHAM  
RICHARD D. HOWE  
REGINALD L. JACKSON  
CHIP LOWE  
MICHAEL R. NELSON  
G. MARK RICE

TELEPHONE (515) 246-1400

TELEFAX (515) 246-1423

August 18, 1994

Ms. Barbara Everly  
Clerk of Court  
United States Bankruptcy Court  
Northern District of Iowa  
P. O. Box 74890  
Cedar Rapids, IA 52407

RE: **Billy Ray White and Cheryl E. White**  
Bankruptcy Case No. L-92-00721-C  
Our File No. 4148.8-MER

Dear Ms. Everly:

Enclosed are the original and two copies each of a Praecipe for Issuance of Writ of Execution and Writ of Execution. Please file the original and one copy of the Praecipe and return a file stamped copy to me in the envelope I have provided. Please sign and date a photocopy of the Writ of Execution and return that along with the filed stamped Praecipe.

Please proceed to issue a general execution and forward it, along with the Writ of Execution to the Johnson County Sheriff for service.

If you have any questions or require further information, please do not hesitate to contact me.

Very truly yours,

  
G. Mark Rice

GMR/pae  
Enclosures

cc: Gerard A. Nieters, Esq.  
Mercantile Bank of Illinois, N.A.

*Originals  
Returned*

*to  
Atty Rice*

*8-22-94*

Sheriff's File No. Mx 158

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA  
OCT 4 1994

**NOTICE OF GARNISHMENT AND INTERROGATORIES**  
**IN THE DISTRICT COURT OF THE STATE OF IOWA, IN AND FOR POLK COUNTY**  
**IN THE US BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF IOWA**

Consumer Credit Transaction YES \_\_\_\_\_ NO XXXXX

Small Claim # \_\_\_\_\_  
BANKRUPTCY# 92-1141LC  
District Court # \_\_\_\_\_

Execution Expires 11/2/94

BARBARA A. EVERLY, CLERK

Mercantile Bank of Illinois NA

JUDGMENT CREDITOR

versus

Billy Ray & Cheryl Elaine White

JUDGMENT DEBTOR

TO State of Iowa, Atty General, Hoover Bldg., DM (U of I)

\_\_\_\_\_ as garnishee and as  
supposed debtor of Cheryl Elaine White (U of I)

YOU ARE HEREBY NOTIFIED, that you are attached as garnishee, in above entitled action, by virtue of a General Execution to me directed by the Clerk of said Court for the sum of

\$ 575.00 judgment, plus \$ 21.16 costs, plus 10% int from 12/28/92  
interest from date of said judgment, and that you are required not to pay any non-exempt funds due or hereinafter to become due, by you to said judgment debtor, subject to the provisions of Chapter 642, Code of Iowa any amendments thereto and Section 1672 and 1673 of title 15 U.S.C. and that you must remand possession of all non-exempt funds of said judgment debtor(s) now or hereafter being in your custody or under your control, to the ~~CLERK OF DISTRICT COURT, # questions. Phone: (515) 286-2762 District Court, Room 116 Des Moines, Ia~~ (515) 286-3821 Small Claims, Room 116 Des Moines, Ia  
US Bankruptcy Court Northern District, PO Box 74890, Cedar Rapids, Ia 52407

And you are further notified and requested to file full sworn answers to below questions with the CLERK OF COURT, or you may appear at the said COURT, on the 27 day of October 19 94, then and there to answer such interrogatories as may be propounded to you, or you may be liable to pay entire judgment which said judgment creditor may

obtain against said judgment debtor. Dated this 29 day of September, 19 94

For your information, Person requesting this service is:  
G. Mark Rice, Atty, 620 Hubbell Bldg, 904 Walnut,  
Phone No. 246-1400

SHERIFF OF POLK COUNTY, IOWA  
DM, Ia 50309 **BOB E. RICE**  
MH Deputy

**QUESTIONS TO BE ANSWERED BY THE GARNISHEE PER CHAPTER 642, CODE OF IOWA**

Is the Judgment Debtor employed by you at this time?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Are you indebted to the Judgment Debtor, or do you owe him money or property which is not yet due?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, explain _____	
Do you have in your possession or under your control any property, rights or credits of the Judgment Debtor?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, what is the value and description? _____	
Do you know of any debts owing the Judgment Debtor, whether due or not due; or any property, rights or credits belonging to him and now in the possession or under the control of others?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, explain _____	
Do you compensate the Judgment Debtor for any personal services in wages, salary, commission, bonus or otherwise, including periodic payments pursuant to a pension or retirement program?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, state the amount and type of compensation reasonably anticipated to be paid Judgment Debtor annually. _____	

I delivered to the judgment debtor a 10 day garnishment notice in the following manner: Personally ☐ In pay envelope ☐

Other manner ☐ explain \_\_\_\_\_

I Certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.

GARNISHEE \_\_\_\_\_ by \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 94

BOB E. RICE, Sheriff of Polk County

by \_\_\_\_\_ Deputy

RETURN PINK COPY TO CLERK OF DISTRICT COURT

SEE REVERSE SIDE OF THE NOTICE FOR FURTHER INSTRUCTIONS

Recorded: Vol III  
page 143



DIRECTIONS TO THE SHERIFF:

IN RE:	)	CASE NO. L-92-00721-C
	)	ADVERSARY NO. 92-1141LC
BILLY RAY WHITE and,	)	
CHERYL ELAINE WHITE,	)	
	)	
Debtors.	)	
<hr/>		
MERCANTILE BANK OF ILLINOIS, N.A.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
BILLY RAY WHITE and CHERYL ELAINE	)	
WHITE,	)	
	)	
Defendants.	)	

Sheriff is hereby directed to proceed to garnish all wages, salaries, funds and/or all amounts due and owing Cheryl Elaine White in the hands of her employer, University of Iowa Hospitals, Iowa City, Iowa, under a Special Execution issued by the Clerk of the Bankruptcy Court, Northern District of Iowa. There is now due and owing the Plaintiff the principal sum of \$575.00, plus interest.

By   
G. Mark Rice  
Plaintiff's Attorney

620 Hubbell Building  
Des Moines, IA 50309  
(515) 246-1400

*Van  
Thurs.*

*11/2*

**ADAMS & HOWE, P.C.**

ATTORNEYS AT LAW

620 HUBBELL BUILDING

904 WALNUT STREET

DES MOINES, IOWA 50309-3596

RON ADAMS  
MICHAEL J. CUNNINGHAM  
RICHARD D. HOWE  
REGINALD L. JACKSON  
CHIP LOWE  
MICHAEL R. NELSON  
G. MARK RICE

TELEPHONE (515) 246-1400

TELEFAX (515) 246-1423

**TRANSMITTAL MEMO**

**Date:** September 23, 1994

**To:** Polk County Sheriff's Office  
Polk County Courthouse  
Fifth & Mulberry Streets  
Des Moines, IA 50309

ATTENTION: Marci

**Regarding:** **Billy Ray White and Cheryl Elaine White**  
Bankruptcy Case No. L-92-00721-C

**Mercantile Bank of Illinois, N.A. v.**  
**Billy Ray White and Cheryl Elaine White**  
Adversary Case No. 92-1141LC

**Our File:** 4148.8-MER

**Enclosures:** Our firm's check in the amount of \$21.16  
representing service costs in the above-referenced  
matter.

**Requested  
Action:** Please proceed as instructed in our correspondence  
dated September 8, 1994.

Yours very truly,

ADAMS & HOWE, P.C.

By G. Mark Rice  
G. Mark Rice

RLJ/pae

cc: Gerard A. Nieters, Esq.  
Mercantile Bank of Illinois, N.A.

**ADAMS & HOWE, P.C.**

ATTORNEYS AT LAW

620 HUBBELL BUILDING

904 WALNUT STREET

DES MOINES, IOWA 50309-3596

RON ADAMS  
MICHAEL J. CUNNINGHAM  
RICHARD D. HOWE  
REGINALD L. JACKSON  
CHIP LOWE  
MICHAEL R. NELSON  
G. MARK RICE

TELEPHONE (515) 246-1400

TELEFAX (515) 246-1423

September 8, 1994

Mr. Bob E. Rice  
Sheriff  
Polk County Courthouse  
Fifth & Mulberry  
Des Moines, IA 50309

RE: **Billy Ray White and Cheryl Elaine White**  
Bankruptcy Case No. L-92-00721-C

**Mercantile Bank of Illinois, N.A. v.**  
**Billy Ray White and Cheryl Elaine White**  
Adversary Case No. 92-1141LC  
Our File No. 4148.8-MER

Dear Mr. Rice:

Enclosed is an original Writ of Execution signed by the bankruptcy Clerk of Court, along with a copy of the Judgment entered on December 29, 1992, and Directions to the Sheriff with respect to the above-referenced matter. Please proceed as instructed in the Directions to Sheriff.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

*G. Mark Rice*

G. Mark Rice

GMR/pae  
Enclosures

cc: Gerard A. Nieters, Esq.  
Mercantile Bank of Illinois, N.A.

# United States Bankruptcy Court

U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

For the NORTHERN District of IOWA

DEC 23 1992

IN RE: BILLY RAY WHITE and CHERYL ELAINE WHITE,  
Debtors.

Chapter 7  
Case No. 92-00721C

MERCANTILE BANK OF  
ILLINOIS, N.A.,

Plaintiff

BILLY RAY WHITE and  
CHERYL ELAINE WHITE,

Defendants

Adversary Proceeding No. 92-11411C

## JUDGMENT

- ☐ This proceeding having come on for trial or hearing before the court, the Honorable  
WILLIAM L. EDMONDS, United States Bankruptcy Judge, presiding, and  
the issues having been duly tried or heard and a decision having been rendered.

FILED  
33 FEB 11 1993  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

[OR]

- ☒ The issues of this proceeding having been duly considered by the Honorable  
WILLIAM L. EDMONDS, United States Bankruptcy Judge, and a decision  
having been reached without trial or hearing, upon stipulation of the parties,

IT IS ORDERED AND ADJUDGED:

that plaintiff, Mercantile Bank of Illinois, N.A., recover from  
defendants, Billy Ray White and Cheryl Elaine White, jointly and  
severally, the sum of \$1,250.00.

IT IS FURTHER ORDERED AND ADJUDGED that this amount shall bear  
interest at the rate of 10% per annum from the date of entry of  
judgment.

IT IS FURTHER ORDERED AND ADJUDGED that this judgment is non-  
appealable pursuant to 11 U.S.C. § 523(a)(2)(A).

ATTEST.

MARY M. WEIBEL

CLERK U.S. BANKRUPTCY COURT

BY [Signature]  
DEPUTY CLERK

Vol. III  
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copies mailed with order  
on 12/29/92, JS

BARBARA A. EVERLY

Clerk of Bankruptcy Court

[Seal of the U.S. Bankruptcy Court]

Date of issuance:

12-29-92

By

[Signature]  
Deputy Clerk

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

---

IN RE	)	CASE NO. L-92-00721-C
	)	ADVERSARY NO. 92-1141LC
BILLY RAY WHITE and CHERYL	)	
ELAINE WHITE,	)	
	)	
Debtors.	)	

---

MERCANTILE BANK OF ILLINOIS, N.A.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	WRIT OF EXECUTION
BILLY RAY WHITE and CHERYL	)	
ELAINE WHITE,	)	
	)	
Defendants.	)	

---

To the Polk County Sheriff:

WHEREAS, on the 28th day of December, 1992, by the Judgment of this Court in a cause then pending the Plaintiff received against the Defendants, Billy Ray White and Cheryl Elaine White, the principal sum of \$1,250.00, plus accrued interest at the rate of 10 percent per annum from and after December 28, 1992.

WHEREAS, after giving credit to the Defendants for all amounts paid toward satisfaction of the Judgment entered, the following amounts are now due and owing the Plaintiff the principal sum of \$575.00, plus interest.

You are, therefore, commanded to cause the goods, chattels, land and other assets of the Defendants to be made subject to execution for payment of the amounts set forth above and tender the money to the Clerk of this Court within seventy (70) days from the date with a record of your action.

Witness, Barbara Everly, Clerk of this Court with the seal  
thereof hereto affixed at Cedar Rapids, Linn County, Iowa, this  
22<sup>nd</sup> day of August, 1994.

Clerk of ~~District~~ Court

By

Barbara A. Everly  
~~Deputy~~ Clerk

Sheriff's File No. 158

RECEIVED OCT 03 1994

**NOTICE OF GARNISHMENT AND INTERROGATORIES**  
**IN THE DISTRICT COURT OF THE STATE OF IOWA, IN AND FOR POLK COUNTY**  
**IN THE US BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF IOWA**

Consumer Credit Transaction YES NO XXXXX

Small Claim #  
BANKRUPTCY 92-1141LC  
 District Court #

Execution Expires 11/2/94

Mercantile Bank of Illinois NA

versus

Billy Ray & Cheryl Elaine White

TO State of Iowa, Atty General, Hoover Bldg., DM

(U of I)

as garnishee and as  
 supposed debtor of Cheryl Elaine White (U of I)

YOU ARE HEREBY NOTIFIED, that you are attached as garnishee, in above entitled action, by virtue of a General Execution  
 of me directed by the Clerk of said Court for the sum of

\$75.00

plus \$ 21.16

costs, plus 10% int. from 12/28/92

interest from date of said judgment, and that you are required not to pay any non-exempt funds due or hereinafter to  
 become due, by you to said judgment debtor, subject to the provisions of Chapter 642, Code of Iowa any amendments  
 thereto and Section 1672 and 1673 of title 35 U.S.C. and that you must remand possession of all non-exempt funds of said  
 judgment debtor(s) now or hereafter being in your custody or under your control, to the CLERK OF DISTRICT COURT,  
 questions: (515) 286-2802 District Court, Room 116 Des Moines, Ia (515) 286-2801 Small Claims, Room 116  
 Des Moines, Ia US Bankruptcy Court Northern District, PO Box 74890, Cedar Rapids, Ia 52407

And you are further notified and requested to file full sworn answers to below questions with the CLERK OF COURT, or you

may appear at the said COURT, on the 27 day of October, 94, then and there to answer such  
 interrogatories as may be propounded to you, or you may be liable to pay entire judgment which said judgment creditor may

obtain against said judgment debtor: Dated this 29 day of September, 94

For your information, Person requesting this service is: <u>G. Mark Rice, Atty, 620 Hubbell Bldg, 904 Walnut, DM, Ia 50309</u> Phone No. <u>246-1400</u>	SHERIFF OF POLK COUNTY, IOWA <u>BOB E. RICE</u> MH Deputy
--	---

**QUESTIONS TO BE ANSWERED BY THE GARNISHEE PER CHAPTER 642, CODE OF IOWA**

Is the Judgment Debtor employed by you at this time? ☒ YES ☐ NO

Are you indebted to the Judgment Debtor, or do you owe him money or property which is not yet due? ☒ YES ☐ NO

If yes, explain Annual Salary 18616.00 (Please Confirm 2/7/94)

Do you have in your possession or under your control any property, rights or credits of the Judgment Debtor? ☐ YES ☒ NO

If yes, what is the value and description?

Do you know of any debts owing the Judgment Debtor, whether due or not due, or any property, rights or credits belonging to him and now in the possession or under the control of others? ☐ YES ☒ NO

If yes, explain

Do you compensate the Judgment Debtor for any personal services in wages, salary, commission, bonus or otherwise, including periodic payments pursuant to a pension or retirement program? ☒ YES ☐ NO

If yes, state the amount and type of compensation reasonably anticipated to be paid Judgment Debtor annually. Annual Salary 18616.00

I delivered to the judgment debtor a 10 day garnishment notice in the following manner: Personally ☐ In pay envelope ☒  
 Other manner ☒ explain Letter prior to 11/1/94 Payroll

I Certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.

GARNISHEE University of Iowa by Joseph J. Rice

Subscribed and sworn to before me this 19 day of September, 1994

BOB E. RICE, Sheriff of Polk County

by Deputy

RETURN PINK COPY TO CLERK OF DISTRICT COURT

SEE REVERSE SIDE OF THE NOTICE FOR FURTHER INSTRUCTIONS

## Instructions To GARNISHEE

Section 642.21, subsection 1, Code of Iowa

"1. This disposable earnings of an individual are exempt from garnishment to the extent provided by the Federal Consumer Credit Protection Act, Title III, 15 U.S.C. secs. 1671-1677. The maximum amount of an employee's earnings which may be garnished during only one calendar year is two hundred fifty dollars for each judgment creditor, except as provided in section 627.12 or when those earnings are reasonably expected to be in excess of twelve thousand dollars for that calendar year as determined from the answers taken by the Sheriff or by the court pursuant to section 642.5, subsection 4. When the employee's earnings are reasonably expected to be more than twelve thousand dollars, the maximum amount of those earnings which may be garnished during a calendar year for each creditor is as follows:"

a. Earnings from \$12,001.00 to \$15,999.99 withhold	\$400.00	d. Earnings from \$35,000.00 to \$49,999.99 withhold	\$2,000.00
b. Earnings from \$16,000.00 to \$23,999.99 withhold	\$600.00	e. Earnings from \$50,000.00 and more withhold	10%
c. Earnings from \$24,000.00 to \$24,999.99 withhold	\$1,500.00		

ANY DISPOSABLE EARNINGS REMAINING AFTER PAYMENT OF THE ABOVE AMOUNTS SHALL BE DELIVERED TO THE CLERK OF DISTRICT COURT

### ALL CHECKS MUST INCLUDE CASE NUMBER

#### COMPUTATION TABLES PER PAY PERIOD FORM

From 15 U.S.C. 1673 (a) (2)

1. If the defendant - employee's earnings are less than:

- |   |  |
|---|--|
| a. \$127.50 for a WEEKLY pay period       | b. \$255.00 for a BI-WEEKLY pay period |
| c. \$276.25 for a SEMI-MONTHLY pay period | d. \$552.50 for a MONTHLY pay period   |

Pay the employee as if his pay check were not garnished. You withhold nothing.

2. If the defendant - employee's disposable earnings are:

- |   |                  |
|---|------------------|
| a. \$127.50 to \$170.00 for a WEEKLY pay period       | Pay him \$127.50 |
| b. \$255.00 to \$340.00 for a BI-WEEKLY pay period    | Pay him \$255.00 |
| c. \$276.25 to \$368.35 for a SEMI-MONTHLY pay period | Pay him \$276.25 |
| d. \$552.50 to \$736.85 for a MONTHLY pay period      | Pay him \$552.50 |

3. If the defendant - employee's disposable earnings are more than:

- |   |  |
|---|--|
| a. \$170.00 for a WEEKLY pay period       | Pay him 75% of his disposable earnings |
| b. \$340.00 for a BI-WEEKLY pay period    | Pay him 75% of his disposable earnings |
| c. \$368.35 for a SEMI-MONTHLY pay period | Pay him 75% of his disposable earnings |
| d. \$736.85 for a MONTHLY pay period      | Pay him 75% of his disposable earnings |

#### EXCEPTIONS TO THE TABLES

- If this garnishment is for STATE OR FEDERAL TAX, disregard the computation table and deliver 100% of the disposable earnings to the SHERIFF.
- The assignment of income concerning Child Support or unpaid alimony has priority over a garnishment or an assignment for all purpose other than the support of the dependents in the court order being enforced. See section 252 C.1.
- If this garnishment is for support of a person, the amount retained from earnings shall be (a) Where the judgment debtor is supporting his spouse or dependent child (other than a spouse or child with respect to whose support this garnishment is made) fifty (50) percent of the Debtor's disposable earnings each week; or (b) where the judgment debtor is not supporting a person as set forth in (a), sixty (60) percent of Debtor's disposable earnings each week. An additional five (5) percent of the Debtor's disposable earnings shall be retained if the support being collected is more than twelve (12) weeks past due.
- If the judgment being collected arises from a consumer credit transaction, you should collect no more than those amounts set forth in Section 537.5105, 1987 Code of Iowa. (Pay employee 75% of net disposable earnings, or \$170.00 per week, whichever is greater.)

**642.22 VALIDITY OF GARNISHMENT NOTICE.** 1. A notice of garnishment served upon a garnishee is effective without serving another notice until the earliest of the following:

- The annual maximum permitted to be garnished under section 642.21 has been withheld.
- The writ of execution expires.
- The judgment is satisfied.
- The garnishee is served with a notice that the garnishment shall cease.

2. A supervised financial organization, as defined in section 537.1301, subsection 41, which is garnished for an account of a defendant, after paying the sheriff any amounts then in the account, shall monitor the account for any additional amounts at least monthly while the garnishment notice is effective.

#### RETURN OF SERVICE

#### FOR OFFICE USE ONLY

I HEREBY CERTIFY That by virtue of aforesaid writ in this cause, I served a garnishment and interrogatories on the named garnishee this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ m., by informing \_\_\_\_\_ that said named garnishee was attached as garnishee in said case by delivering to him a written notice of which the foregoing is a true copy. All done in Polk County, Iowa.

I also served a 10 day notice to defendant for delivery by the garnishee. Yes ☐ No ☐

BOB E. RICE, Sheriff of Polk County

By \_\_\_\_\_

Deputy



UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

---

IN RE:	)	CASE NO. L-92-00721-C
	)	ADVERSARY NO. 92-1141LC
BILLY RAY WHITE and CHERYL ELAINE	)	
WHITE,	)	
	)	
Debtors.	)	

---

MERCANTILE BANK OF ILLINOIS, N.A.,	)	
	)	
Plaintiff,	)	WRIT OF EXECUTION
	)	
vs.	)	
	)	
BILLY RAY WHITE and CHERYL ELAINE	)	
WHITE,	)	
	)	
Defendants.	)	

---

To the Johnson County Sheriff:

WHEREAS, on the 28th day of December, 1992, by the judgment of this Court in a cause then pending the Plaintiff received against the Defendants, Billy Ray White and Cheryl Elaine White, the principal sum of \$1,250.00, plus accrued interest at the rate of 10 percent per annum from and after December 28, 1992.

WHEREAS, after giving credit to the Defendants for all amounts paid toward satisfaction of the Judgment entered, the following amounts are now due and owing the Plaintiff the principal sum of \$299.00, plus interest.

You are, therefore, commanded to cause the goods, chattels, land and other assets of the Defendants to be made subject to execution for payment of the amounts set forth above and tender the money to the Clerk of Court within seventy (70) days from the date with a record of your action.

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Witness, Barbara Everly, Clerk of this Court with the seal thereof hereto affixed at Cedar  
Rapids, Linn County, Iowa, this 10<sup>th</sup> day of February, 1995.



Barbara L. Everly  
Clerk of Court

*Barbara L. Everly*

**ADAMS & HOWE, P.C.**

ATTORNEYS AT LAW

620 HUBBELL BUILDING

904 WALNUT STREET

DES MOINES, IOWA 50309-3596

TELEPHONE (515) 246-1400

TELEFAX (515) 246-1423

RON ADAMS  
MICHAEL J. CUNNINGHAM  
RICHARD D. HOWE  
REGINALD L. JACKSON  
CHIP LOWE  
G. MARK RICE

February 8, 1995

Ms. Barbara Everly  
Clerk of Court  
United States Bankruptcy Court  
Northern District of Iowa  
P. O. Box 74890  
Cedar Rapids, IA 52407

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FEB 10 1995

BARBARA A. EVERLY, CLERK

RE: **Billy Ray White and Cheryl E. White /**  
**Mercantile Bank of Illinois, N.A. v. Billy Ray**  
**White and Cheryl E. White**  
Bankruptcy Case No. L-92-00721-C  
Adversary Case No. 92-1141LC  
Our File No. 4148.8-MER

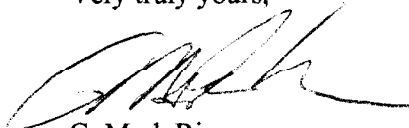
Dear Ms. Everly:

Enclosed are the original and two copies each of a Praecipe for Issuance of Writ of Execution and Writ of Execution. Please file the original and one copy of the Praecipe and return a file stamped copy to me in the envelope I have provided. Please sign and date a photocopy of the Writ of Execution and forward it to me along with the filed stamped Praecipe.

Please proceed to issue an execution and forward it, along with the original Writ of Execution and the enclosed Directions to the Sheriff to the Johnson County Sheriff for service.

If you have any questions or require further information, please do not hesitate to contact me.

Very truly yours,



G. Mark Rice

GMR/pac  
Enclosures

cc: Gerard A. Nieters, Esq.  
Mercantile Bank of Illinois, N.A.

JOHNSON COUNTY SHERIFF'S DEPARTMENT  
P.O. BOX 2540  
IOWA CITY, IA 52244-2540

HLED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FEB 21 1995

DATE: 01/04/95

\* RETURN OF SERVICE \*

BARBARA L. BERRY, CLERK

CP#: 000094008349

DOCKET: 000L9200721C

AGENCY: 000094008349

PLTF: IN THE INTEREST OF  
VS.  
DFND: WHITE, CHERYL

0003046  
TO: RICE, G MARK  
620 HUBBELL BLDG  
904 WALNUT ST  
DES MOINES

IA 503093596

FEES COLLECTIBLE	
SERVICE:	10.00
MILEAGE:	6.40
RETURN :	0.00
MISC1 :	0.00
MISC2 :	0.00
OTHER :	0.00
TOTAL :	16.40
PAID :	0.00
DUE :	16.40

COURT OF ORIGIN: FEDERAL COURT

ORIGINAL RETURN OF SERVICE FOR COURT CASES  
SENT TO ORIGINATING CLERK OF COURT  
UPON PAYMENT OF SHERIFF'S FEES

PAYMENT RECEIVED

FROM Mark Rice

FEB 01 1995

JOHNSON COUNTY SHERIFF

CP#/PARTY : 000094008349-01  
PARTY NAME: WHITE, CHERYL ELAINE  
708 STREB ST  
IOWA CITY IA 52240  
SSN: 479-56-5156  
SERVICE LOCATION: 708 STREB ST  
IOWA CITY , IA  
PROCESS TYPES: NOT GARN

STATUS: SERVED ATTEMPTS: 2  
SERVICE DATE: 12/30/94 TIME: 15:56  
SERVICE TYPE: PERSONAL  
SERVER: 05230 STANTON, DAVID M  
BY SERVING: WHITE, CHERYL ELAINE  
RACE: WHITE  
SEX: FEMALE DOB: 11/03/44  
HEIGHT: 503 WEIGHT: 125  
HAIR: BRO EYES: HAZ  
SSN: 479-56-5156  
RELATION:

COMMENTS:

I CERTIFY ABOVE INFORMATION TO BE TRUE AND CORRECT

ROBERT CARPENTER, SHERIFF

SIGNATURE DATE  
DEPUTY SHERIFF  
JOHNSON COUNTY SHERIFF'S OFFICE

Copy to [illegible] 2-21-95 my

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~~IN THE IOWA DISTRICT COURT~~  
~~FOR XXXXXXXXXXXXXXXXXX~~ COUNTY

UNITED STATES BANKRUPTCY COURT FOR THE ~~NORTHERN~~ DISTRICT OF IOWA

IN RE:

BILLY RAY WHITE and CHERYL  
ELAINE WHITE ~~vs~~

~~Plaintiffs~~  
Debtors.  
~~Defendants~~

NOTICE OF GARNISHMENT

Bankruptcy  
LAW NO. L92-00721-C

~~EQUITY NO.~~ ADVERSARY NO. 92-11411C

SMALL CLAIM NO. \_\_\_\_\_

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY NOTIFIED that a Garnishment was issued based on a Judgment against you and the Garnishment was served on University of Iowa Hospitals who has answered that ~~He/She/It~~ (Strike Two) is indebted to you.

YOU ARE FURTHER NOTIFIED that unless you file a Motion, Answer, or other appropriate pleading to contest the Garnishment within ten (10) days from the date this Notice was served on you explaining why you think these funds are exempt from execution under state or federal law, a Court Order will be entered condemning the funds and the funds will be applied against the Judgment. Some examples of exempt funds may include Social Security benefits, A.F.D.C., general assistance, veteran's benefits, and unemployment compensation. These examples are not a complete list and are not meant to be.

ANY Motion, Answer or other pleading that you file to contest the Garnishment must be filed in the office of the Clerk of the Bankruptcy ~~County~~ District Court at the Federal ~~County~~ Courthouse located at Des Moines, Iowa. If you file to contest the Garnishment, a prompt hearing will be set and you will be notified of the hearing. At the hearing, you should be ready to explain to the Judge why you believe your property is exempt from the Garnishment.

Section 642.14 of the Iowa Code requires that you be told the exact language of Section 630.3A of the Iowa Code. That Section reads:

At any time after the rendition of judgment the court, upon application of the judgment creditor or the judgment debtor and upon notice of the adverse party as the court shall direct, shall conduct a hearing to determine the reasonably expected annual earnings of the judgment debtor for the current calendar year and the applicable limitation upon garnishment as provided in Section 642.21. The court shall also consider in the interest of justice whether a greater amount than provided in Section 642.21 shall be exempt from garnishment. In making the determination, the court shall consider the age, number and circumstances of the dependents of the debtor, existing federal poverty level guidelines, the debtor's maintenance and support needs, the debtor's other financial obligations and any other relevant information. An order reducing the garnishment may be modified or vacated upon the application of a party to the court, notice to the adverse party, and a showing at a hearing of changed circumstances. An additional filing fee shall not be assessed for proceedings under this section.

YOU MAY WISH TO CONSULT A LAWYER FOR ADVICE AS TO THE MEANING OF THIS NOTICE.

G. Mark Rice

~~Plaintiff or Attorney for Plaintiff~~

620 Hubbell Building

(Street Address)

Des Moines, IA 50309

(City, State, Zip)

515-246-1400

(Phone Number)

ATTORNEYS FOR MERCANTILE BANK OF ILLINOIS

**ADAMS & HOWE, P.C.**

ATTORNEYS AT LAW

620 HUBBELL BUILDING

904 WALNUT STREET

DES MOINES, IOWA 50309-3596

TELEPHONE (515) 246-1400

TELEFAX (515) 246-1423

RON ADAMS

MICHAEL J. CUNNINGHAM

RICHARD D. HOWE

REGINALD L. JACKSON

CHIP LOWE

G. MARK RICE

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FEB 21 1995

February 20, 1995

BARBARA A. EVERLY, CLERK

Ms. Barbara Everly  
Clerk of Court  
United States Bankruptcy Court  
Northern District of Iowa  
P. O. Box 74890  
Cedar Rapids, IA 52407

RE: **Billy Ray White and Cheryl Elaine White**  
Bankruptcy Case No. L92-00721-C  
Adversary Case No. 92-1141LC  
Our File No. 4148.8-MER

Dear Ms. Everly:

Enclosed are the original and one copy of a Return of Service with attached Notice of Garnishment. Please file the original and return a file stamped copy to me in the envelope I have provided.

Thank you for your courtesy and cooperation.

Very truly yours,



G. Mark Rice

GMR/pae  
Enclosures

cc: Gerard A. Nieters, Esq.  
Mercantile Bank of Illinois, N.A.

# THE UNIVERSITY OF IOWA

Iowa City, Iowa 52242

## REMITTANCE ADVICE OR EARNINGS STATEMENT

276.68, REFERENCE 92-1141LC

276.68\*  
TOTAL

U S BANKRUPTCY COURT  
NORTHERN DISTRICT  
PO BOX 74890  
CEDAR RAPIDS IA

52407

MO. DAY YR.  
02 28 95

No. 512006  
PLEASE REFER TO ABOVE  
CHECK NUMBER IN ANY  
CORRESPONDENCE

NOT NEGOTIABLE

DETACH AND RETAIN FOR YOUR FUTURE REFERENCE

# THE UNIVERSITY OF IOWA

Iowa City, Iowa 52242

No. 512006

MO. DAY YR.

8 95

U.S. DOLLARS

PAY

\*\*\*\*\*276.68

AMOUNT

72-212  
739

U S BANKRUPTCY COURT  
NORTHERN DISTRICT  
PO BOX 74890  
CEDAR RAPIDS IA

52407

CK. NO. 512006  
VOID IF NOT CASHED WITHIN 6 MONTHS

UNITED STATES  
BANKRUPTCY COURT  
Northern District of Iowa  
Cedar Rapids Division

# 00010027 - DR  
March 2, 1995

SECRETARY

TREASURER

13522411

Code	Case #	Qty	Amount
REGISTRY	92-1141-LC		276.68 CH
Total->			276.68

FROM: THE UNIVERSITY OF IOWA  
IOWA CITY, IA 52242

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CARB-OUT

DE LUXE CHECK PRINTERS, INC.  
DOUBLE VOUCHER

CLERK UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

276

19

X 47-1  
739 0

PAY TO THE ORDER OF G. MARK RICE, ATTY FOR MERCANTILE BANK OF ILLINOIS N.A., PLFF. \$ 276.68

TWO HUNDRED SEVENTY-SIX and 68/100----- DOLLARS

**Merchants National Bank**  
Cedar Rapids, Iowa 52401

A BANK OF IOWA BANK

Per Court Order 12/29/92

*Letha Hamill*

LETHA HAMILL  
Deputy Clerk

⑈000276⑈ ⑆⑆073900014⑆ 121287072⑈

DELUXE CHECK PRINTERS

CLERK UNITED STATES  
BANKRUPTCY COURT

DETACH AND RETAIN THIS STATEMENT  
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.  
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE - FORM DVC-2 V-7

RE: Mercantile Bank of Illinois, N.A. vs. Billy Ray White and Cheryl Elaine White  
Adv. No. 92-11411C

Garnishment of Cheryl White pursuant to judgment entered by this Court  
on 12/29/92. Funds receipted for on 3/2/95.

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